

**REMARKS**

The Office Action mailed on 24 November 2003 has been received and reviewed. Claims 1-7, 10-15, and 18-40 are currently pending in the application. The aforesaid claims stand rejected. Applicant respectfully requests reconsideration of the above-referenced application.

**REJECTION UNDER THE DOCTRINE OF OBVIOUSNESS DOUBLE PATENTING:**

Claims 1 and 4 stand rejected under the doctrine of obviousness double patenting over US Patent 6,514,628. Claim 30 stands rejected under US Patent 6,228,457, as well under the doctrine of obviousness double patenting. Claims 1-6 and 30 stand rejected under 35 U.S.C. 102(e) over US Patent 6,228,457.

Applicant respectfully traverses the instant rejection. Claims 1 and 4 of the instant application each require that the first metal constituent in the layer be present in an amount of 0.1 to 3.0 weight percent. Applicant respectfully submits that neither of the two references appears to contain any teaching or suggestion which would anticipate the lower limit of the indicated range, i.e. 0.1 weight percent. In the absence of any teaching or suggestion, applicant respectfully submits that neither reference provides adequate disclosure to support a rejection under the doctrine of obviousness double patenting. In view of this reasoning, applicant respectfully requests a withdrawal of the instant rejection.

**REJECTION UNDER 35 USC 103:**

Claims 1-7, 10-11, 13-15 and 18-40 stand rejected under 35 U.S.C. 103(a) over Fukuyoshi et al (hereinafter the "Fukuyoshi" reference) in view of the Los Alamos Laboratory (Periodic Table of the Elements) reference. Applicant respectfully traverses the instant rejection.

All of the aforesaid claims require the limitation of a second metal which is present in the reflecting layer in an amount within the range of 0.1 to 3.0 wt %. This second metal is selected from the group consisting of Cu, Ti, Cr, Ta, Mo, Ni, Al, Nb, Au, Pd, and Ru. Applicant respectfully submits that the instant rejection does not identify a disclosure which teaches or suggests this particular limitation in the prior art.

The rejection indicates that the Fukuyoshi reference discloses a silver based layer having a 0.06 weight percent presence of Cu. The Examiner indicates that 0.06 weight percent is within the claimed range of 0.1 to 3.0 weight percent. With due respect to the Examiner, Applicant respectfully disagrees. In applicant's view 0.06 weight percent is outside of the claimed range in that 0.06 weight percent is 0.04 weight percent below the 0.1 weight percent which forms the lower boundary of the claimed range. It follows that the 0.06 weight per cent disclosed in Fukuyoshi is not within the range made subject to the aforementioned claims.

The Los Alamos Laboratory reference likewise fails to teach or suggest a silver based reflecting layer having a second metal which is present in the amount of 0.1 to 3.0 weight percent. It follows that any combination of Fukuyoshi and the Los Alamos Laboratory reference would neither teach or suggest, either individually or in combination, the subject matter of the aforementioned claims. Applicant respectfully submits that without more, the combination of the Fukuyoshi reference with the Los Alamos Laboratory reference fails to meet the requirements of 35 USC 103(a) and therefore should be withdrawn.

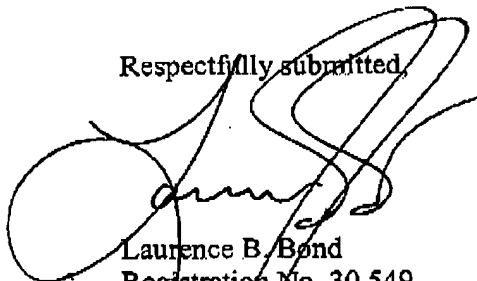
Claim 12 stands rejected under 35 USC 103(a) over Fukuyoshi in view of the Los Alamos Laboratory reference and further in view of Gibbons. Applicant respectfully traverses the rejection. Claim 12 depends from claim 7 which requires among other limitations a second metal which selected from the group consisting of Cu, Ti, Cr, Ta, Mo, Ni, Al, Nb, Au, Pd, and Ru and furthermore is present in an amount within the range of 0.1 to 3.0 weight percent. As noted above, neither the Fukuyoshi reference nor the Los Alamos laboratory reference appears to teach or suggest the presence of such a second metal in an amount within the claimed range. Gibbons likewise does not appear to disclose the presence of such a second metal in an amount within the claimed range. It follows that Fukuyoshi, the Los Alamos Laboratory reference and Gibbons, either individually or in combination, neither teaches nor suggests the claim limitations of Claim 12. In view of this consideration, applicant respectfully submits that Claim 12 is distinguishable over the cited references and therefore the rejection of Claim 12 should be withdrawn.

### CONCLUSION

Claims 1-7, 10-15, and 18-40 are believed to be in condition for allowance, thus reconsideration thereof is respectfully requested. If any issues preventing the allowance of the

above-referenced application remain that might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,



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